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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.4676 of 2007

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ORDER:

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The petitioner claims to be a Farmer and Member of Mudivarthi Bit-I Water Users' Association (for short 'the Association'). He challenges the action of the respondents, in proposing to conduct election for the Office of President of the Association, through the proceedings of the 3rd respondent, dated 27.02.2007. The petitioner contends that the proposed election is contrary to Section 15 of the A.P. Farmers' Management of Irrigation Systems Act, 1997 (for short 'the Act'). According to him, the term of the President is going to expire in April 2007 and proviso to sub-Section (3) of Section 15 of the Act prohibits by-election in the last six months of the term. It is also contended that the Office of the VI Territorial Constituency of the Association had fallen vacant and the election ought to have been conducted for that also and that he intends to contest for the said Constituency.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation.

Elections to the Water Users' Associations is provided for under the Act. The duration of the term is two years. According to the petitioner, the term of President, in question, is going to expire by April 2007, whereas the learned Government Pleader submits that the previous incumbent was elected on 14.03.2006 and the remainder of the term is up to March 2008.

Be that as it may, the record discloses that elections to one Territorial Constituency vacancy and the President of the Association were proposed to be held on 14th and 15th of November 2006. While the election of the Territorial Constituency Member had been proceeded with, that of the President was stalled, on account of certain disturbances. Sub-Section (3) of Section 15 of the Act does not support the contention of the petitioner, inasmuch as left over term of the President is more than six months. Further, once an election process starts, it cannot be interfered with, except where extreme situations arise. In fact, as regards this very matter, this Court issued directions in W.P.No.24878 of 2006, requiring the respondents to conclude the elections, at the earliest. This Court finds no basis to grant relief to the petitioner.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

JSU

09.03.2007